

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FORM FOR FILING CONTINUING APPLICATION
UNDER 37 C.F.R. § 1.53(b)

JC135 U.S. PTO
09/253014
02/19/99

Attorney Docket Number **55422.000005**
Anticipated Classification Of This Application:
Class _____ Subclass _____

Prior Application: 09/166,779 (99997.019117)
Examiner: NOT ASSIGNED
Art Unit: NOT ASSIGNED

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) which claims priority of prior applications, Application Serial No. **09/166,779**, filed on **October 6, 1998**, entitled **CONSIGNMENT NODES** by the following named inventor **Thomas G. Woolston**, which is a continuation of Application Serial No. **08/554,704** filed on **November 7, 1995**, which is a continuation of Application Serial No. **08/427,820**, filed on **April 26, 1995**, both entitled **CONSIGNMENT NODES**.

1. ☒ Enclosed is a true copy of the prior complete application as originally filed, including the oath or declaration. No amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.
2. ☒ Preliminary Amendment is enclosed.
3. ☒ Cancel in this application original claims 1-10 of the prior application before calculating the filing fee.
4. ☒ The filing fee is calculated as follows:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	22	2	x \$ 9.00 =	\$18.00
INDEPENDENT CLAIMS	3	0	x \$ 39.00 =	\$0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			x \$ 130.00	\$ 0.00
BASIC FEE				+ \$ 760.00
TOTAL OF ABOVE CALCULATIONS=				+ \$ 778.00
REDUCTION BY ½ FOR FILING BY SMALL ENTITY (Note 37 C.F.R. 1.9, 1.27, 1.28). IF APPLICABLE, VERIFIED STATEMENT MUST BE ATTACHED.				- \$ 380.00
TOTAL =				\$ 398.00

5. ☒ The Commissioner is hereby authorized to charge fees under 37 C.F.R. § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0206.
6. ☒ A check in the amount of **\$380.00** is enclosed. In the event any variance exists between the amount enclosed and the Patent Office charges, please credit or charge any different to Deposit Account No. 50-0206.
7. ☒ Amend the specification by replacing the first sentence with: This application is a continuation of U.S. Patent Application Serial No. 08/554,704 filed November 7, 1995, now U.S. Patent No. 5,845,265 which is a continuation-in-part of U.S. Patent Application Serial No. 08/427,820 filed April 26, 1995, both entitled Consignment Nodes and incorporated herein by reference in their entirety.
8. ☒ A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 ☐ is enclosed.

☒ was filed in prior application Serial No. 09/166,779 and such status is still proper and desired (37 C.F.R. § 1.28(a)).

9. ☐ Priority of foreign Application Nos. _____, filed on _____, is claimed under 35 U.S.C. § 119.

☐ A certified copy of each was filed in prior Application Serial No. _____, filed _____.

10. ☐ New formal drawings are enclosed.

11. ☒ The prior application is assigned of record to MercExchange, L.L.C.

12. ☒ The power of attorney in the prior application is to Thomas G. Woolston, Esq.

- a. ☒ The power of attorney appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorneys:

Thomas J. Scott, Jr., Registration No. 27,836; Stanislaus Aksman, Registration No. 28,562; Kevin J. Dunleavy, Registration No. 32,024; Scott D. Balderston, Registration No. 35,436; Tyler S. Brown, Registration No. 36,465; Christopher C. Campbell, Registration No. 37,291; Henry C. Su, Registration No. 37,738; Brian M. Buroker, Registration No. 39,125; Thomas G. Woolston, Registration No. 40,235; Charles F. Hollis, Registration No. 40,650; Kevin T. Duncan, Registration No. 41,495; Jonathan D. Link, Registration No. 41,548; Christopher J. Cuneo, Registration No. 42,450; Stephen T. Schreiner, Registration No. 43,097; Raphael A. Valencia, Registration No. 43,216; and George B. Georgellis, Registration No. P43,632.

d. ☐ Please remove as power of attorney:

13. ☐ Also enclosed: An INFORMATION DISCLOSURE STATEMENT. Attached are Forms PTO-1449 listing all of the documents cited by Applicants and the PTO in the parent application(s) relied upon 35 U.S.C. 120. Per Rule 98(d) copies of those documents are not required now. Please consider these documents and advise that they have been considered in this new application by returning a copy of the enclosed Forms PTO-1449 with the Examiner's initials in the left column per M.P.E.P. 609.

14. ☒ Address all future communications to:

Thomas G. Woolston, Esq.
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The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the applications or any patent issuing thereon.

Dated: February 19, 1999

By: _____

Thomas G. Woolston
Registration No. 40,235

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